

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAPITOL RECORDS, LLC, *et al.*, :
:
Plaintiffs, : 07 Civ. 9931 (WHP)
v. :
:
MP3TUNES, LLC and MICHAEL ROBERTSON, :
:
Defendants. :
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**NOTICE OF MOTION IN LIMINE TO PRECLUDE PLAINTIFFS' EVIDENCE
RELATED TO WILLFUL BLINDNESS AND RED FLAG KNOWLEDGE**

PLEASE TAKE NOTICE that, pursuant to the Revised Scheduling Order, dated July 3, 2013 (Docket No. 333), in the above captioned action, and upon the accompanying Memorandum of Law, Declaration of Michael Robertson, dated September 10, 2013, Declaration of Ira S. Sacks, dated September 13, 2013, and the exhibits attached thereto, and all pleadings and prior proceedings had herein, the undersigned attorneys for Defendant Michael Robertson shall move this Court, before the Honorable William H. Pauley III, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Room 20B, New York, New York 10007, at a time set by the Court, for an order granting Defendant's motion *in limine* to preclude Plaintiffs evidence related to willful blindness and red flag knowledge and for such other and further relief as this Court finds just and proper.

Dated: New York, New York
September 14, 2013

Respectfully Submitted,

AKERMAN SENTERFITT LLP

By:/s/ *Ira S. Sacks*

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